



## CHAPTER 103.

An Act relating to Highways and the Traffic thereon.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

### *Preliminary.*

1. This Act may be cited as the “Highway Act.” R.S. 1911, c. 99, Short title.  
s. 1.

2. In this Act, unless the context otherwise requires:—

Interpretation.

“Highway” includes all public wagon-roads, streets, roads, ways, trails, lanes, bridges, trestles, and any other public way:

“Land” includes all lands of every tenure and description whatsoever, including foreshore and lands covered with water, within the Province, and including lands granted by the Dominion to any person:

“Minister” means the Minister of Public Works. R.S. 1911, c. 99, s. 2.

3. This Act is divided into four parts, relating to the following subjects:—

Division of Act into parts.

PART.	SECTION.
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R.S. 1911, c. 99, s. 3 ( <i>altered</i> ).	

## PART I.

## ESTABLISHMENT AND CONTROL OF HIGHWAYS.

Roads deemed  
public highways.

4. All roads, other than private roads, shall be deemed common and public highways. R.S. 1911, c. 99, s. 4.

Highways vested  
in His Majesty.

5. Unless otherwise provided for, the soil and freehold of every public highway shall be vested in His Majesty, his heirs and successors. R.S. 1911, c. 99, s. 5.

Roads on which  
public money  
expended declared  
to be public  
highways.

6. All travelled roads existing on the sixteenth day of December, 1922, not theretofore established by notice in the Gazette, or otherwise dedicated to the public use by a plan deposited in the Land Registry Office for the district in which the roads are situate respectively, on any portion of which public money has been expended, shall be deemed and are hereby declared to be public highways. 1922, c. 30, s. 2.

Width of said  
highways may  
be enlarged.

7. Any public highway declared to be a public highway by section 6 which has not a width of at least thirty-three feet on each side of the mean straight centre line of the travelled road may be enlarged to that width when deemed necessary by the Minister. R.S. 1911, c. 99, s. 7.

Power of Minister  
to establish and  
alter highways.

8. It shall be lawful for the Minister, in his absolute discretion, to make public highways of any width not exceeding sixty-six feet, and to vary and alter any existing roads, and to take at any point additional land beyond the width of sixty-six feet where necessary to secure the efficient construction, maintenance, or use of the highway, and to declare the same by a notice in the Gazette, setting forth the direction and extent of such highway; and for such purpose, by himself, his agents, servants, and workmen, without any notice to and without any consent on the part of any person owning or occupying the land, or having or claiming any estate, right, title, or interest therein, to enter upon, set out, ascertain, and take possession of any private roads and any lands in the Province, and any timber thereon; and also in the like discretion to enter upon any land for the purpose of cutting any drains that may be thought necessary, with power to take any gravel, timber, stone, and other materials required for the construction of any highway or bridge. 1913, c. 29, s. 2.

Effect of entry.

9. The entry by the Minister, his agents, servants, or workmen, as in the last preceding section mentioned, shall operate as a complete extinguishment of every title and claim to any lands so entered upon or taken possession of. 1917, c. 28, s. 2.

Power to construct  
and keep highways  
open.

10. The Minister shall have power to and may construct, keep open, and maintain a highway across any lands taken under the

powers conferred by this Act; and no person shall, upon any pretext or claim whatsoever, hinder, delay, or obstruct the construction, keeping open, and maintenance of any such highway. R.S. 1911, c. 99, s. 10.

**11.** (1.) The Minister may at any time, by notice published in the Gazette, in such form and containing such particulars as he may determine, discontinue and close in whole or in part any highway the maintenance of which is not considered necessary in the public interest, whereupon that highway or the part thereof so discontinued and closed shall cease to be a public highway. The land comprised in any highway which has been discontinued and closed may, under the authority of the Lieutenant-Governor in Council, be transferred by the Minister to, and shall thereafter become the property of, the owner of the land of which it originally formed part; or may be sold, leased, or disposed of by public auction or by tender under the authority of the Lieutenant-Governor in Council. The proceeds of all sales, leases, and dispositions made under this section shall be accounted for as part of the Consolidated Revenue Fund.

Power to close highways.

(2.) In every case, prior to publication of notice in the Gazette under this section, the Minister shall give public notice of his intention to so discontinue and close the highway, or part thereof, in question, by notice published for a period of at least thirty days by one insertion each week in a newspaper published or circulating in the electoral district in which the highway is situate. 1917, c. 28, s. 3.

Notice of intention to close highway.

**12.** Where, by reason of the taking of any lands and the construction of a highway thereon under the provisions of this Act, and by reason of the disturbance of any existing fences, ditches, or culverts, or by reason of any diversion of water owing to the construction of any such highway, it is necessary to make and provide any fences, ditches, or culverts, such fences, ditches, and culverts, as the case may be, shall be made and provided as part of, and the cost thereof shall be included as part of, the cost of the construction of the highway; but any fences constructed under this section shall thereafter be maintained and repaired by the respective land-owners along whose land or in connection with whose land they are constructed. R.S. 1911, c. 99, s. 11.

Provision as to fencing and draining.

**13.** Where the owner or occupier of any land is desirous of conveying water across or along a public highway by means of a pipe, ditch, or flume, such works must be constructed to the satisfaction of the Minister. R.S. 1911, c. 99, s. 12.

Conveyance of water across highway.

**14.** Every person desirous of having a public highway established shall give thirty days' notice of his intention to apply to the Minister

Application for establishment of public highway.

to establish such public highway, by an advertisement published, at his own expense, in the Gazette and in a newspaper published or circulated in the district wherein such applicant desires to have the highway established; but nothing in this section shall be construed as affecting the right of the Minister to make and declare highways under the provisions of section 8. R.S. 1911, c. 99, s. 13.

Compensation.

**15.** (1.) No compensation shall be paid for any lands so entered upon and taken possession of except in the case of:—

- (a.) Lands on which there is any building:
- (b.) Lands which are in use as gardens or otherwise for the more convenient occupation of any such building:
- (c.) Lands granted by the Province and by the taking of which the total area of the lands resumed by His Majesty for the making of roads or highways under the provisions in that behalf of the original grant from the Crown is found to exceed one-twentieth of the total area of the lands comprised in such original Crown grant; or
- (d.) Lands which were originally granted by the Dominion to any person or corporation and by the taking of which the total area of the lands entered upon and taken possession of is found to exceed one-twentieth of the total area of the lands comprised in the original Crown grant.

Arbitration.

(2.) In case of the entry and taking possession of any lands mentioned in clause (a), (b), (c), or (d) of subsection (1), compensation shall be paid for any building and for any lands in use as gardens or otherwise for the more convenient occupation of any building, and for any lands in excess of one-twentieth of the total area of the lands comprised in the original Crown grant; and if the amount of compensation in any case is not agreed upon, then the amount may be appraised and awarded by arbitration, and for the purpose of ascertaining such amount the provisions of the "Public Works Act" relating to arbitration shall, as nearly as may be, apply. 1917, c. 28, s. 4.

Power to issue  
Crown grants of  
portions of  
highways.

**16.** The Lieutenant-Governor in Council may, under special circumstances, direct the issue of Crown grants of portions of public highways vested in the Crown. R.S. 1911, c. 99, s. 31; 1913, c. 29, s. 7.

Penalty for con-  
travention of Part.

**17.** Any person contravening or committing any breach of or committing any offence against any of the provisions of this Part, or refusing, omitting, or neglecting to fulfil, observe, carry out, or perform any duty or obligation by this Part created, prescribed, and imposed, shall be liable, on summary conviction, to a penalty of not less than twenty-five dollars and not more than three hundred dollars. R.S. 1911, c. 99, s. 15.

## PART II.

## REGULATION OF TRAFFIC.

**18.** In case a person travelling or being upon a highway in charge of a vehicle drawn by one or more horses or other animals, or propelled by some other means, meets another vehicle drawn or propelled as aforesaid, he shall seasonably turn out to the right from the centre of the travelled portion of the highway, allowing to the vehicle so met one-half of the travelled portion of the highway. 1920, c. 32, s. 2 (*part*).

Rule of road for vehicles meeting.

**19.** The person in charge of a vehicle so drawn or propelled upon a highway shall have the right of way over the person in charge of another vehicle approaching from the left upon an intersecting highway, and shall give the right of way to the person in charge of another vehicle approaching from the right upon an intersecting highway; but the provisions of this section shall not excuse any person from the exercise of proper care at all times. 1920, c. 32, s. 2 (*part*).

Right of way at highway intersections.

**20.** In case a person travelling or being upon a highway in charge of a vehicle so drawn or propelled, or on horseback, is overtaken by any vehicle or horseman travelling at a greater speed, the person so overtaken shall as soon as practicable turn out to the right and allow the overtaking vehicle or horseman to pass. 1920, c. 32, s. 2 (*part*).

Rule of road for rider or vehicle overtaken by another.

**21.** In case a person travelling upon a highway in charge of a vehicle or upon horseback overtakes any vehicle or horseman, it shall be the duty of such person to turn out to the left; and if he finds it impracticable to turn out as aforesaid, he shall so regulate the speed of his vehicle or horse as to allow the overtaken vehicle or horseman to precede him to some point on the highway where such turning-out to the left and a passing can safely be effected. 1920, c. 32, s. 2 (*part*).

Rule of road for vehicle overtaking another.

**22.** In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. R.S. 1911, c. 99, s. 20.

Stopping of vehicle where impracticable to turn out.

**23.** No person shall race with or drive furiously any horse or other animal upon any highway. R.S. 1911, c. 99, s. 21.

Horse-racing on highway prohibited.

**24.** (1.) The following acts, practices, matters, and things shall be unlawful and deemed to be offences against this Part, namely:—

Unlawful practices and offences.

(a.) Camping, unless where impracticable to do otherwise, either by night or day, so that any part of such camp

shall be within twenty feet of the centre of any highway. This clause shall not apply to wagons:

- (b.) Making any fire within twenty feet of the centre of any highway or at any distance so as to endanger any bridge or cribbing or leaving unextinguished any such fire:
- (c.) Leaving any dead animal within two hundred feet of the centre of any highway:
- (d.) Leaving or keeping a wagon detached from its team upon any highway without leaving a space of eight feet clear on one side of the road:
- (e.) Leaving any portion of the chains, yokes, or other harness or of the cargo or apparatus of any team or train within five feet of the centre of any highway:
- (f.) Wilfully or without lawful authority placing or maintaining by day or by night any obstruction on any part of a highway, or changing the level of a highway in any way whatsoever, or stopping the natural flow of water through any drain or culvert on or under any highway:
- (g.) Constructing or maintaining a ditch the water from which causes damage to any public property:
- (h.) Driving or causing to be driven on any of the public highways of that portion of the Province situate west of the Cascade Mountains any wagon or other vehicle drawn by animal power carrying a load in excess of that mentioned in Schedule A:
- (i.) Driving or causing to be driven on any of the public highways of that portion of the Province situate east of the Cascade Mountains any wagon or other vehicle drawn by animal power carrying a load in excess of that mentioned in Schedule B:
- (j.) Dragging logs or timber over or along any public highway, or riding a bicycle or other wheeled vehicle on any sidewalk constructed in whole or in part at the expense of the Province:
- (k.) Contravening or permitting the contravention of any other provision of this Part.

Application to city  
municipalities.

(2.) The provisions of clauses (h) and (i) of subsection (1) shall not apply to any city municipality, until the municipality, for the purpose of making any of those provisions applicable, passes a by-law declaring the same to be in full force and effect in that municipality. R.S. 1911, c. 99, ss. 22, 32; 1913, c. 29, ss. 3-5.

Prima facie proof  
of offence.

**25.** It shall be sufficient prima facie evidence that any wagon or other vehicle drawn by animal power has, contrary to the provisions of this Part, carried a load in excess of that mentioned in the Schedules, for any credible witness to state upon oath that to the best of his judgment and opinion the wagon or vehicle in question,

at the time of the alleged infraction of this Part, carried a load in excess of that mentioned in the Schedules or one of them; and upon such evidence being given the onus shall be cast upon the party charged of disproving that the load exceeded that mentioned in such Schedules. R.S. 1911, c. 99, s. 23; 1913, c. 29, s. 6.

**26.** Upon being satisfied, by information on oath made before him, that there exists within his territorial jurisdiction any practice, matter, or thing constituting an offence against this Part, any Justice may issue his warrant under his hand for the removal of the cause of such offence, and may entrust the execution of such warrant to any constable or other person; and the person or persons causing the offence aforesaid shall, on summary conviction, be liable to pay, in addition to any other penalty by this Part imposed for such offence, all costs and expenses incurred in and about the removal of the cause of the offence aforesaid. R.S. 1911, c. 99, s. 24.

Power of Justices to abate offences.

**27.** In case any dead animal shall be left lying, or any fire shall be left unextinguished, upon or near a highway in contravention of the provisions of this Part, it shall be lawful for any person to remove and properly dispose of, or cause to be removed and properly disposed of, such dead animal, or to extinguish or cause to be extinguished such fire, and such person shall be entitled to recover a reasonable compensation for his trouble and expense in the premises from the person or persons contravening the provisions of this Part. R.S. 1911, c. 99, s. 25.

Compensation for persons removing nuisances from highways.

**28.** If an offence against this Part has taken place or has been committed or permitted in or about a camp, or a team, or a train of pack-animals, the person in charge of the camp, team, or train of pack-animals shall be responsible for and shall be deemed guilty of the offence; and if there is no person so in charge, then each person in or about the camp, team, or train shall be responsible for and shall be deemed guilty of the offence: Provided that for each offence proved the total penalties inflicted shall not exceed the maximum penalty in this Part provided. R.S. 1911, c. 99, s. 26.

Persons liable for offences in or about a camp or pack-train.

**29.** Any person who causes damage to a public highway contrary to clause (g) of subsection (1) of section 24 shall, in addition to the fine provided by the next following section, be liable to pay to the Minister such sum for the said damage as may be awarded. R.S. 1911, c. 99, s. 27 (*redrawn*).

Violation of clause (g) of subsec. (1) of s. 24.

**30.** Every person guilty of an offence against this Part for which no specific penalty is otherwise provided shall be liable to a fine not exceeding fifty dollars. R.S. 1911, c. 99, s. 28 (*redrawn*).

Penalty.

**31.** All penalties imposed and all costs, expenses, compensation, damages, and moneys payable or recoverable under this Part shall

Recovery of penalties and moneys payable.

be recoverable before a Justice upon proceedings under the "Summary Convictions Act." R.S. 1911, c. 99, s. 29 (*redrawn*).

Interpretation for  
purposes of section.

**32. (1.)** In this section:—

"Extraordinary traffic" includes any carriage of goods or persons over a highway, at either one or more times, and whether in vehicles drawn by animal power or propelled by some other means, which taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at which the vehicles are driven or operated, as, in the opinion of the Minister, substantially to alter or increase the burden imposed on the highway through its proper use by ordinary traffic, and to cause damage and expense in respect of the highway beyond what is reasonable or ordinary:

"Minister" means the Minister of Public Works or any person authorized by him in writing to exercise the powers vested in the Minister under this Part.

Power of Minister  
to regulate extra-  
ordinary traffic.

(2.) Where in the opinion of the Minister any highway is liable to damage through extraordinary traffic thereon, he may regulate, limit, or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein; and every person knowingly driving on or using the highway in contravention of such regulation, limitation, or prohibition shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a fine of not less than fifty dollars nor more than one hundred dollars: Provided that any person to whom this section might otherwise apply may, with the approval of the Minister, enter into an agreement for the payment to the Crown of compensation in respect of the damage or expense which may, in the opinion of the Minister, be caused by the extraordinary traffic, and thereupon that person shall not in respect of that traffic be subject to any prohibition or penalty prescribed by this section.

Power of Minister  
to close highway  
to traffic.

(3.) The Minister may close to traffic or use any highway at such time and for such period of time and in respect of such classes of traffic or use as in his opinion may be necessary for the construction or protection of any highway or other public work. 1921 (2nd Sess.), c. 18, s. 2 (*part*).

Power of Lieut.-  
Governor in Council  
to make regulations.

**33.** The Lieutenant-Governor in Council may make such regulations in respect of vehicles driven, used, or operated on any highway as are deemed necessary or advisable for:—

- (a.) Carrying into effect the provisions of this Part:
- (b.) Regulating the kinds and widths of tires of vehicles:
- (c.) Regulating the use of chains, cleats, ribs, clamps, flanges, or other devices on the tires of vehicles:



- (d.) Prescribing the lights to be carried and displayed on vehicles other than motor-vehicles and trailers as defined in the "Motor-vehicle Act":
- (e.) Regulating the length and width of vehicles, and the length, width, height, and fastening of loads carried on vehicles, and the weight of vehicles and loads carried on vehicles:
- (f.) Regulating the gauge or width of vehicles from centre to centre of runners or wheels:
- (g.) Prescribing penalties for the enforcement of any regulation made under this section. 1921 (2nd Sess.), c. 18, s. 2 (*part*); 1922, c. 30, s. 3.

### PART III.

#### CLASSIFICATION AND IMPROVEMENT OF HIGHWAYS.

**34.** (1.) In this Part, unless the context otherwise requires:— Interpretation.

"Construction" includes the original work of constructing a new highway, and also the work of reconstructing or putting a highway or any section of a highway in repair by general and continuous regrading or remetalling of its surface, or by building, rebuilding, or enlarging bridges thereon, or by executing such other highway-works of substantial improvement as may be classified by the Public Works Engineer as substantial:

"Department" means the Public Works Department of the Province:

"Maintenance" means the work, subsequent to the construction of a highway, of preserving and keeping it in repair, including the making, cleaning, and keeping open of ditches, gutters, drains, culverts, and watercourses, and the making and repairing of retaining-walls, cribs, river-protection works, and other works necessary to keep open and maintain the highway for use by the traffic for which it is required:

"Municipal area" or "area" means the area of land within the limits of a municipality and over which the jurisdiction of the municipal corporation extends:

"Municipal corporation" includes the corporation and the Council of a municipality, and, in a municipality having a Board of Control, includes the Controllers.

(2.) For the purposes of this Part, the certificate of the Minister from time to time, in writing under his seal, as to the "population" of any municipality shall be conclusive. 1920, c. 32, s. 4 (*part*). "Population" of a municipality.

Application of Part limited to certain municipal areas.

**35.** The provisions of this Part, except the provisions of sections 36 and 37 relating to the classification of highways, shall apply only to such highways and portions of highways as are within the limits of a municipality, and none of the provisions of this Part shall apply to highways or portions of highways within the limits of any city or city municipality having a population of more than one thousand five hundred. 1920, c. 32, s. 4 (*part*).

Classification of highways.

**36.** For the purposes of this Part, all highways shall be classified as follows:—

- (a.) “Primary highways,” comprising such highways affording main channels of communication connecting with important extra-provincial highways, or connecting important centres of population or important terminal points, as, on the recommendation of the Minister approved by Order of the Lieutenant-Governor in Council, are classified as primary highways:
- (b.) “Secondary highways,” comprising such highways of less general importance as, on the recommendation of the Minister approved by Order of the Lieutenant-Governor in Council, are classified as secondary highways:
- (c.) “Local highways,” comprising such highways as are not classified as primary highways or secondary highways. 1920, c. 32, s. 4 (*part*).

Procedure for classification of highways.

**37.** (1.) From time to time the Minister shall denote the highways which in his opinion should be classified as primary and secondary highways respectively by delineating upon a map the route of each such highway throughout each municipal area through or in which it runs or is intended to run. After observing the following conditions, that is to say:—

- (a.) As to primary highways, after consultation with the Municipal Council of every municipality through or within the limits of which the highway runs or is intended to run:
- (b.) As to secondary highways, after agreement made with and ratified by by-law of the Municipal Council of every municipality through or within the limits of which the highway runs or is intended to run, approving of the proposed classification and route of the highway,—

the Minister shall submit the map to the Lieutenant-Governor in Council for classification of the highways denoted thereon.

Publication of notice of classification.

(2.) Upon the making of the order classifying any primary or secondary highway, the Minister shall cause notice of the fact of its classification under this Act to be published in one issue of the Gazette, and no change shall be made in the route or classification of the highway except by Order of the Lieutenant-Governor in Council. 1920, c. 32, s. 4 (*part*).

**38.** (1.) Subject to the provisions of subsections (2) and (3), the cost of construction and maintenance of highways shall be borne as follows:—

Cost of construction and maintenance of highways.

(a.) In the case of primary highways, the cost of construction and of maintenance shall be borne seventy-five per centum by the Department and twenty-five per centum by the municipal corporation of the area through or in which the highway runs:

(b.) In the case of secondary highways, the cost of construction shall be borne equally by the Department and the municipal corporation of the area through or in which the highway runs, and the cost of maintenance shall be borne forty per centum by the Department and sixty per centum by the municipal corporation:

(c.) In the case of local highways, the cost of construction and maintenance shall be borne by the municipal corporation of the area through or in which the highway runs.

(2.) Where a secondary highway runs in or through a municipality having a population of less than one thousand, the Department may, in the discretion of the Minister, contribute not exceeding seventy-five per centum of the cost of construction and maintenance of the highway.

Power of Department to increase contribution in certain cases.

(3.) The Department may build or rebuild a bridge upon any highway, where the cost of the bridge is provided by a specific vote of the Legislature; and in case of damage by flood or other accident the Department may, in the discretion of the Minister, repair or rebuild any highway bridge and pay the entire cost thereof. 1920, c. 32, s. 4 (*part*).

Power of Department to pay entire cost of bridges in certain cases.

**39.** (1.) The control of the construction and maintenance of every primary highway shall be vested in the Department. The control of the construction and maintenance of every local highway and, subject to the regulations made under this Part, the control of the construction and maintenance of every secondary highway shall be vested in the municipal corporation of the area in or through which the highway runs.

Control of construction and maintenance of highways.

(2.) Upon obtaining the approval of the Department, the municipal corporation of any area in or through which a primary highway runs may construct, at the expense of the corporation, sidewalks on that highway. 1920, c. 32, s. 4 (*part*).

Construction of sidewalks on primary highway.

**40.** (1.) In addition to all other powers, the Department shall have and may exercise within the limits of any municipality in or through which a primary highway runs all the powers which a municipal corporation authorized to lay out, construct, and maintain the highway might exercise for that purpose.

Powers of Department within municipalities extended.

(2.) The Department, in respect of a primary highway, shall have all the rights, powers, and advantages conferred by by-law, contract,

Power of Department to exercise rights of municipal corporation under any by-law or contract.

or otherwise upon the municipal corporation having control of the highway before it became classified as a primary highway under this Act; and the Department may sue in the name of the Minister upon such rights or under such by-law or contract in the same manner and to the same extent as the municipal corporation might have done if the highway had not been classified as a primary highway. 1920, c. 32, s. 4 (*part*).

Duty of Department to keep and furnish accounts of expenditure on primary highways.

41. The Department shall keep an account of expenditure showing the amount spent on construction and the amount spent on maintenance of each primary highway, and shall from time to time transmit a statement thereof to each municipal corporation liable to contribute to the cost of the highway. 1920, c. 32, s. 4 (*part*).

Duty of municipal corporation to keep and furnish accounts of expenditure on secondary highways.

42. The municipal corporation having control of the construction and maintenance of any secondary highway shall keep an account of expenditure showing the amount spent on construction and the amount spent on maintenance, and shall from time to time transmit a statement thereof to the Department. 1920, c. 32, s. 4 (*part*).

Basis of apportionment of cost of continuous highway through two or more municipalities.

43. (1.) For the purpose of determining the amounts payable by the several municipal corporations in respect of a primary or secondary highway which runs in a continuous route in or through two or more municipal areas, the highway may be considered as a whole, or the Public Works Engineer may divide the highway into such sections as under the circumstances of the case he deems proper, and the total amount of cost to be borne by the municipal corporation for the construction or maintenance of the highway as a whole or of any section shall be apportioned among the several municipal corporations in proportion to the mileage of the highway or section in each municipality.

Decision of Minister as to apportionment final.

(2.) In case of any dispute between the municipal corporations as to the apportionment of the cost to be borne by them, the Minister, upon the report of the Public Works Engineer, and on notice to the parties to the dispute, and after hearing all such parties as apply to be heard, may apportion the cost between the several municipal corporations, and the decision of the Minister shall be final. 1920, c. 32, s. 4 (*part*).

Recovery of moneys due to Department.

44. All moneys due to or recoverable by the Department under the provisions of this Act, including the allocated cost of construction and of maintenance of any primary highway, may be recovered by action in any Court as for a debt due to the Crown. The certificate of the Public Works Engineer stating the amount due from any municipal corporation under this Act shall be conclusive evidence of liability. 1920, c. 32, s. 4 (*part*).

Power of municipal corporation to provide moneys to meet expenditures.

45. Every municipal corporation liable for the payment of any moneys under this Act may provide funds therefor in any manner

authorized under the "Municipal Act" for the providing of funds for municipal purposes, but it shall not be necessary by reason of anything contained in that Act for any by-law ratifying any agreement made under this Act or for raising money upon the credit of the municipality for the payment of moneys for which the municipal corporation is liable under this Act to be submitted to or receive the assent of the electors of the municipality. 1920, c. 32, s. 4 (*part*).

46. Where the Public Works Engineer deems it advisable, the Department may give notice to any municipal corporation that a secondary highway within its municipal area is not being kept in a proper state of maintenance; and if after fifteen days from the giving of the notice the highway in the opinion of the Public Works Engineer has not been put in a proper state of maintenance, the Department may cause the highway to be put into a proper state of maintenance, and may pay the cost thereof, and may recover the amount of such cost from the municipal corporation. 1920, c. 32, s. 4 (*part*).

Power of Department to require proper maintenance of secondary highways.

47. (1.) The Lieutenant-Governor in Council may make regulations for the purpose of carrying out the provisions of this Part, and may either by general regulations or by special regulations in any particular case prescribe the nature and quality of material and work to be applied in the construction or maintenance of primary and secondary highways.

Power of Lieut.-Governor in Council to make regulations.

(2.) The Lieutenant-Governor in Council may enter into agreements with the Governor in Council, or with any member of His Majesty's Privy Council for Canada, for the application to the construction and improvement of highways within the Province of any moneys appropriated for highway construction or improvement pursuant to the provisions of any Act of the Parliament of the Dominion.

Power to enter into agreements with Dominion.

(3.) Where an agreement entered into pursuant to subsection (2) provides for the application of any moneys so appropriated to the cost of any highway-work under this Act, the Minister may in consequence of the agreement vary the conditions of payment and the amounts payable in respect of that work by the Department and by municipal corporations under this Act. 1920, c. 32, s. 4 (*part*).

Power to vary conditions of payment by Department and municipalities.

## PART IV.

### PROTECTION OF BRIDGES.

48. This Part shall apply to all bridges owned by the Province or subject to Provincial control. R.S. 1911, c. 26, s. 2.

Application of Part.

49. Subject to the provisions of clause (c) of subsection (1) of section 51, it shall be unlawful for any person to ride or drive any

Driving of animals over bridges faster than a walk prohibited.

animal, whether attached to a vehicle or otherwise, or any animals in droves or in pack-trains, on or over a bridge at a pace faster than a walk. R.S. 1911, c. 26, s. 15.

Mooring of rafts or vessels to bridges prohibited.

**50.** It shall be unlawful to moor, make fast, or in any other way attach any raft, vessel, boat, barge, or other floating body to any bridge, or to any pier, pile, guide, trestle, or abutment of the same. R.S. 1911, c. 26, s. 16.

Power to make rules and regulations governing traffic on bridges.

**51.** (1.) It shall be lawful for the Lieutenant-Governor in Council to make, alter, and repeal from time to time, as he may deem expedient, rules and regulations governing the traffic over any bridge coming under the provisions of this Part for any of the following purposes:—

- (a.) For defining the maximum load that may be hauled on and over any bridge at one time:
- (b.) For defining the maximum number of head of animals of any kind, in bands or pack-trains, that may be driven on or over any bridge at one time, and for defining the intervals of time and space between said bands or pack-trains:
- (c.) For permitting an increased pace over trestle bridges if such increase in speed is not deemed hazardous to the structure:
- (d.) For closing a bridge to or restricting the use of same to particular class or classes of traffic.

(2.) All such rules and regulations shall be promulgated by publishing the same in the Gazette and by notice thereof posted on the bridge or causeway affected thereby. R.S. 1911, c. 26, s. 17 (*redrawn*).

Penalty for contravention of preceding provisions.

**52.** Every person who contravenes any of the preceding provisions of this Part relating to the protection of bridges, or of any rule or regulation made in accordance with the preceding provisions of this Part, shall be liable, on summary conviction, to a fine not exceeding fifty dollars. R.S. 1911, c. 26, s. 18 (*redrawn*).

Owner of animals or vehicles liable in damages.

**53.** The employer of any person who, while in charge of any animals or vehicles of such employer, is guilty of a violation of this Part shall, in addition to all penalties imposed by this Part, be liable to His Majesty for all damage resulting from such violation, and the same may be recovered from the employer by action in any Court of competent jurisdiction at suit of the Attorney-General. R.S. 1911, c. 26, s. 19 (*redrawn*).

Further power to make regulations governing traffic on bridges.

**54.** The Lieutenant-Governor in Council may, by Order, from time to time make, amend, alter, or repeal regulations prescribing the conditions upon which traffic of any and every kind, including railway traffic, may be carried across any bridge to which this Part

applies; and particularly, and without in anywise limiting the generality of the foregoing provisions, regulations:—

- (a.) Prescribing the speed at which railway traffic may be moved across any bridge:
- (b.) Prescribing the speed at which vehicular traffic may be moved across any bridge:
- (c.) Fixing and prescribing the length and weight of trains and vehicles which may be moved across any bridge:
- (d.) Preventing the depositing of rubbish, offal, or offensive or inflammable matter upon any bridge. R.S. 1911, c. 26, s. 20.

**55.** Every person contravening or permitting the contravention of, or omitting, refusing, or neglecting to conform to, observe, and perform the provisions made and prescribed by any regulation made under the last preceding section of this Part shall be liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five hundred dollars. R.S. 1911, c. 26, s. 21.

Penalty for contravention of regulations.

**56.** In the event of any corporation being guilty of any offence against the last preceding section, or any rules or regulations made under section 54, every officer and every employee of the corporation taking part in or being in anywise concerned in the act or omission constituting the offence shall personally be deemed to commit an offence against this Part, and may be personally prosecuted and punished therefor in addition to the prosecution and punishment of the corporation. R.S. 1911, c. 26, s. 22 (*redrawn*).

Officers and employees personally liable in addition to corporation.

**57.** Nothing in this Part contained shall interfere with the public rights of navigation or shipping. R.S. 1911, c. 26, s. 26.

Saving clause.

SCHEDULES.

SCHEDULE A.

(Section 24.)

Carts or other two-wheeled vehicles shall not, west of the Cascade Mountains, carry a load in excess of the following:—

					Lb.
On tires	under 2 inches in width	.....			600
"	2 inches and under 3 inches	.....			1,250
"	3	"	4	"	2,000
"	4	"	5	"	2,500
"	5	"	6	"	3,500

Wagons and other four-wheeled vehicles shall not, west of the Cascade Mountains, carry a load in excess of the following:—

					Lb.
On tires	under 2 inches	.....			1,500
"	2 inches and under 3 inches	.....			2,000
"	3	"	4	"	3,000
"	4	"	5	"	5,000
"	5	"	6	"	6,500
"	6	"	7	"	8,000
"	7	"	8	"	10,000

On wagons or other vehicles having tires of different widths, the mean width of all the tires shall be taken as the width of tire.

R.S. 1911, c. 99, Sch. A.

SCHEDULE B.

(Section 24.)

Wagons and four-wheeled vehicles shall not, east of the Cascade Mountains, carry a load in excess of the following:—

		Lb.
On tires	under 3 inches in width	2,000
On tires	3 inches in width and under 4 inches	3,000
On tires	4 inches in width and under 5 inches	6,000
On tires	5 inches in width and over	6,000 and over.

R.S. 1911, c. 99, Sch. B.

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